

OHANA GROWTH PARTNERS, LLC

Plaintiff,

vs.

RYAN DILLON-CAPPS

Defendant.

IN THE

CIRCUIT COURT

FOR

BALTIMORE COUNTY

FILE NO.: C-03-CV-24-002264

AFFIDAVIT OF JUSTIN DRUMMOND

I, JUSTIN DRUMMOND, being over the age of eighteen (18) and competent to testify, and having personal knowledge of the facts contained herein, state as follows:

1. I am, the President of Ohana Growth Partners, LLC ("Ohana"), the Plaintiff in the above-captioned matter.
2. On May 20, 2024, without authorization from me or any other senior Ohana executives, Ryan Dillon-Capps, the Defendant in the above-captioned matter, severed and discontinued all administrative access to the Ohana MS 365 Account that had been held by other Ohana employees, as well as the Global Admin rights provided to Mr. Ryan Brooks, and independent consultant hired by Ohana with my approval. On six (6) separate occasions between May 21, 2024 and May 24, 2024, Dillon-Capps was sent express written directives to reinstate Mr. Brooks' administrative access. Since May 24, 2024, Ohana's management sent Dillon-Capps separate written directives to provide full administrative rights to me as Ohana's President, to Victor Brick, Ohana's CEO, and to Glenn Norris, the CFO, in addition to Mr. Brooks. All these directives were disobeyed. Despite these repeated written express directives from Ohana's management, and in violation of Section 1 of the Dillon-Capps Employment Agreement, Dillon-Capps refused to instate full administrative rights to the Ohana MS 365 Account to Ohana's President, CEO, and CFO.

3. At my direction, on June 13, 2024, at 9:01 Ohana's Vice President of Human Resources, Richard Hartman, sent an email to Dillon-Capps directing them to provide the Global Administrator rights over the Ohana MS 365 Account to Phil Leadore, of Hartman Executive Advisors, an established Maryland-based independent IT consulting firm which Ohana engaged to assist Ohana with IT matters, and to do so by 3 pm that day. Dillon-Capps disobeyed that directive and as a result Dillon-Capps continues to maintain and exercise exclusive administrative rights to the Ohana Microsoft 365 Account and administrative control of the Ohana GoDaddy Account.

4. I am advised by Richard Hartman that as of 2:05 p.m. on June 13, 2024 he has been unable to send or receive emails through my Ohana company email account and that as of 5 p.m. on June 13, 2024 Mr. Hartman discovered that he is unable to log into Ohana's Microsoft Teams account. Given that Dillon-Capps is the only person currently possessing Global Admin rights it is clear to me that Dillons-Capps used those rights to lock Richard Hartman out of Ohana's computer systems and email. Mr. Hartman's inability, caused by Dillon-Capps, to communicate with any of Ohana's 1,472 employees or to access any of Ohana's personnel records has effectively rendered it impossible for him to perform in his critical role as Vice President of Human Resources for the company.

5. At my direction, at 8:45 p.m. on June 13, 2024, Richard Hartman sent an email to Dillon-Capps, using Mr. Hartman's personal email account, to which he attached a letter advising Dillon-Capps of the immediate suspension of his employment with Ohana. Dillon-Capps responded with an email, copying me and other Ohana executives, stating that Dillon-Capps did not recognize Mr. Hartman's authority as Vice President of Human Resources to suspend Dillon-

Capps' employment, and falsely claimed that Dillon-Capps was acting upon my authority. I responded to Dillon-Capps' email as follows:

Ryan:

Your assertions that Rich Hartman did not suspend you or lacked the authority to suspend you are both incorrect and baseless.

For the avoidance of any doubt by you, I incorporate into this email Rich Hartman's email to you today notifying you of your suspension and hereby confirm that you were suspended upon receipt of that email. Please follow fully the directives in that suspension notification.

I also hereby confirm that you have been directed by me to immediately comply with Rich Hartman's email of 9:01 am this morning by immediately adding Phil Leodore from HEA as a Global Administrator regardless of whether he has confirmed any qualifications or involvement in the PCI DSS v4 review.

Thank You,

Please excuse any typos. Email sent from iPhone

Justin Drummond

Attached as **Exhibit A** hereto is a true and correct copy of that June 13, 2024 email exchange. As of my execution of this affidavit I have received no response from Dillon-Capps, nor has Dillon-Capps complied with the directive to add Phil Leodore from HEA as a Global Administrator on Ohana's Microsoft 365 account.

6. Without administrative rights to the Ohana Microsoft 365 account, Ohana is unable to manage any of its Microsoft 365 software applications and related data. So long as Dillon-Capps continues to hold exclusive Global Admin rights to the Ohana MS 365 Account, and by extension Ohana's employee email accounts and data, those accounts and data are vulnerable to disruption by Dillon-Capps. So long as Dillon-Capps continues to hold exclusive administrative control over

the Ohana GoDaddy Account, the direction of Ohana's registered domain names to Ohana's company email and websites are at risk.

7. Even a temporary disruption of the Ohana MS 365 Account and/or the Ohana GoDaddy Account would result in tremendous disruption of Ohana's business operation and irreparable harm to Ohana. Given Dillon-Capps refusal to act as directed by his supervisors and other behavior, Ohana believes that, in the absence of a Court Order directing Dillon-Capps to immediately provide the Global Administrator rights to Phil Leadore there is a significant risk that Dillon-Capps will take action to disrupt Ohana's software systems and business operations and to destroy or corrupt Ohana's data.

**I SOLEMNLY DECLARE AND AFFIRM UNDER PENALTIES OF PERJURY
AND UPON PERSONAL KNOWLEDGE THAT THE CONTENTS OF THE
FOREGOING PAPER AND EXHIBITS THERETO ARE TRUE.**

Date: June 14, 2024

DocuSigned by:

Justin Drummond
67967DA4092F4B0...
Justin Drummond

From: Justin Drummond <Justin.Drummond@ohanagp.com>
Sent: Thursday, June 13, 2024 8:54:11 PM
To: Ryan Dillon-Capps <Ryan.DillonCapps@ohanagp.com>; Rich & LeeAnn <richnlee@gmail.com>; Glenn Norris <glenn@ohanagp.com>; Karen Debus <karen.debus@ohanagp.com>; Rich Hartman <Rich.Hartman@ohanagp.com>
Subject: Re: Ohana - Suspension

Ryan:

Your assertions that Rich Hartman did not suspend you or lacked the authority to suspend you are both incorrect and baseless.

For the avoidance of any doubt by you, I incorporate into this email Rich Hartman's email to you today notifying you of your suspension and hereby confirm that you were suspended upon receipt of that email. Please follow fully the directives in that suspension notification.

I also hereby confirm that you have been directed by me to immediately comply with Rich Hartman's email of 9:01 am this morning by immediately adding Phil Leodore from HEA as a Global Administrator regardless of whether he has confirmed any qualifications or involvement in the PCI DSS v4 review.

Thank You,

Please excuse any typos. Email sent from iPhone

Justin Drummond
President
Ohana Growth Partners, LLC



office 410-252-8058 x214
212 W. Padonia Rd
Timonium, MD 21093

www.planetfitness.com

"Culture eats strategy for breakfast"

From: Ryan Dillon-Capps <Ryan.DillonCapps@ohanagp.com>
Sent: Thursday, June 13, 2024 8:00:52 PM
To: Rich & LeeAnn <richnlee@gmail.com>; Glenn Norris <glenn@ohanagp.com>; Karen Debus <karen.debus@ohanagp.com>; Rich Hartman <Rich.Hartman@ohanagp.com>
Cc: Justin Drummond <Justin.Drummond@ohanagp.com>
Subject: Re: Ohana - Suspension

@Rich Hartman, I am writing to follow up to your attempt to submit a suspension letter to me. Given the current circumstances and the ongoing investigation, I do not recognize your authority to issue a suspension at this time. This matter has been discussed with Victor, Lynne, and Justin. Lynne and Victor have empowered Justin with full authority to handle this situation. We have reviewed the scope of the situation in detail, and it is clear that any such actions must be halted immediately.

Please refrain from any further attempts to issue suspensions or take similar actions until this matter is fully resolved.

This message may include text created with the help of natural language processing.

 [Book time to meet with me](#)

Ryan Dillon-Capps
Vice President of IT
Ohana Growth Partners, LLC



office 410-252-8058 x109
212 W. Padonia Rd
Timonium, MD 21093
www.planetfitness.com

"Culture eats strategy for breakfast"

From: Rich & LeeAnn <richnlee@gmail.com>
Sent: Thursday, June 13, 2024 8:47 PM
To: Ryan Dillon-Capps <ryan.dilloncapps@ohanagp.com>; Glenn Norris <glenng@ohanagp.com>; Karen Debus <karen.debus@ohanagp.com>
Subject: Ohana - Suspension

Some people who received this message don't often get email from richnlee@gmail.com. [Learn why this is important](#)

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Ryan,
I am sorry to have to send this to you via my personal email account but since you have disabled my office email account this will have to suffice. I will also put a physical copy of this letter in the mail tomorrow. It will be directed to your address on file: 1334 Maple Avenue Essex, MD 21221. If this is not the correct address, please advise and provide the correct address.

Please find attached an official copy of your suspension from Ohana Growth Partners pending further notice.

Sincerely,

Rich Hartman
Vice President of Human Resources
Ohana Growth Partners, LLC.